

Message Text

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ORIGIN EB-07

INFO OCT-01 EA-07 ISO-00 IO-13 L-03 OIC-02 CIAE-00 DODE-00

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SS-15 USIA-06 NASA-01 OES-06 COME-00 /083 R

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IO/TRC - MR. WEBB

L/T - MR. ROVINE

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EA/PRCM - MR. FOX

----- 003119

R 251208Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY TAIPEI

INFO AMEMBASSY SEOUL

USLO PEKING

C O N F I D E N T I A L STATE 238443

E.O. 11652: GDS

TAGS: ETEL, INTELSAT, PORG, TW, KS

SUBJECT: INTELSAT - CHIREP/TAIWAN ACCESS

REF: A) TAIPEI 6376; B) SEOUL 7445

1. IN THE CASE OF AN EARTH STATION LOCATED IN THE TERRITORY
OF A PARTY TO THE INTELSAT INTERGOVERNMENTAL AGREEMENT, THE
APPLICATION FOR APPROVAL OF THAT STATION TO UTILIZE THE
INTELSAT SPACE SEGMENT IS SUBMITTED TO INTELSAT BY THAT
PARTY'S SIGNATORY TO THE INTELSAT OPERATING AGREEMENT.
WHERE THE EARTH STATION IS LOCATED OTHER THAN ON TERRITORY
UNDER THE JURISDICTION OF A PARTY, THE APPLICATION IS
SUBMITTED BY A DULY AUTHORIZED TELECOMMUNICATIONS ENTITY.

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(INTELSAT OPERATING AGREEMENT, ARTICLE 14(A))

2. THE FORTHCOMING ASSEMBLY OF PARTIES MAY TAKE NO ACTION IN RESPECT TO PAKISTAN RESOLUTION IN VIEW OF ROC VOLUNTARY WITHDRAWAL. IN THIS CASE, PRESUMABLY, THE WITHDRAWAL OF THE ROC WOULD SIMPLY RUN ITS COURSE, AND AT THE END OF NINETY DAYS, THE PRC MIGHT OR MIGHT NOT FORMALLY JOIN INTELSAT THROUGH DEPOSIT OF AN INSTRUMENT OF ACCESSION AND SIGNATURE OF THE OPERATING AGREEMENT. ALTERNATIVELY, ASSEMBLY OF PARTIES MIGHT PASS RESOLUTION SUBSTITUTING THE PRC FOR THE ROC AS REPRESENTING THE "STATE" WHICH INTELSAT RECOGNIZES AS CHINA. THE EFFECT OF A SUBSTITUTION

RESOLUTION WOULD BE TO CONFER MEMBERSHIP ON THE PRC AND EFFECTIVELY NULLIFY ROC WITHDRAWAL.

3. IT IS NOT CLEAR IF THE PRC WERE TO JOIN THROUGH DEPOSIT OF AN INSTRUMENT OF ACCESSION OR BY MEANS OF A SUBSTITUTION RESOLUTION WHETHER IT WOULD CLAIM JURISDICTION OVER THE EARTH STATIONS LOCATED ON TAIWAN PURSUANT TO ARTICLE 14(A) NOTED PARA 1 ABOVE. THIS IS NUB OF ACCESS ISSUE, AND US DEL WILL BE PREPARED TO CONSIDER ANY APPROACH TO ENSURING

ACCESS WHICHEVER WAY ASSEMBLY OF PARTIES GOES. KISSINGER

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